

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION**

**IN THE MATTER OF:**

**NAME: JAMES RAY RAMSEY**

**ADDRESS: 1218 HARRISON CARSWELL AVENUE  
MORGANTON, NC 28655**

**Chapter 13  
Case No. 17-40021**

**SSN: --- -- 0480**

**Debtor.**

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**MOTION TO MODIFY CHAPTER 13 PLAN**

**COMES NOW** the above-named debtor, by and through his attorney of record, and respectfully moves the Court pursuant to Section 1329 of Title 11 of the United States Code, Rule 9013 of the Rules of Bankruptcy Procedure, and Rule 9013-1 of the Local Bankruptcy Rules for the entry of an order modifying the plan and in support hereof allege and says that:

1. This case was commenced by the filing of a petition with the Clerk of this Court on January 25, 2017.
2. The 341(a) meeting of creditors was held on in Statesville, North Carolina, on March 14, 2017.
3. The Chapter 13 Plan was subsequently confirmed by order of this Court dated April 5, 2017.
4. The Plan presently provides for a monthly payment of \$690.00.
5. A proof of claim was filed State Employees' Credit Union ("SECU") on April 5, 2017 (Trustee Claim #12, Clerk Claim #3), in the amount of \$9,383.71 purporting to be a claim secured by the debtor's principal residence.
6. At the time of the filing of his Petition, the debtor believed SECU's claim to be unsecured, and as such, listed said claim in Schedule F.
7. The debtor is, therefore, moving the Court to direct the Trustee to treat SECU's aforementioned claim as fully secured in the amount of \$9,383.71, and to allow the debtor to pay such claim directly to SECU, outside of the plan, per the original terms of the note and contract with SECU.
8. The debtor is also moving the Court for such other and additional relief as to the Court may seem just and proper.

**WHEREFORE**, the debtor respectfully prays of the Court as follows:

A. That the debtor's motion to modify plan be granted as provided for in the body of this motion;

B. That the monthly plan payments be modified, if necessary, as determined by the Chapter 13 Trustee;

C. That the attorney for the debtors be granted an additional non-base legal fee of \$450.00 and expenses of \$46.00, said fee and expenses to be paid by the Trustee out of the funds paid by the debtor into the Plan.

D. That the debtor have such other and further relief as to the Court may seem just and proper.

This the 30<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
/s/\_\_\_\_\_  
Rod A. Vujovic  
Rod A. Vujovic, Attorney at Law, P.A.  
Attorney for the Debtor  
N.C. State Bar 25021  
118 Highway 321 SW  
Hickory, NC 28602  
(828) 345-1008  
FAX (888) 734-4972

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**Debtor.**

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**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN AND  
NOTICE OF OPPORTUNITY FOR HEARING**

**PLEASE BE ADVISED** that the above-named debtor has filed papers with the United States Bankruptcy Court for the Western District of North Carolina for approval of a motion to modify her plan.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

**TAKE FURTHER NOTICE** that if you do not want the Court to grant the relief requested by the debtor(s) in their motion, or if you want the Court to consider your views on the motion, then on or before **14 DAYS from the date of this notice**, you or your attorney must do three (3) things:

1. **File with the court a written request for a hearing and a written response if you desire to file one at:**

United States Bankruptcy Court  
Western District of North Carolina  
401 W. Trade Street  
Charlotte, NC 28202

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

Rod A. Vujovic  
Attorney for the Debtor  
118 Highway 321 SW  
Hickory, NC 28602

and to:

Steven G. Tate  
Chapter 13 Trustee  
212 Cooper Street  
Statesville, NC 28677

3. **Attend the hearing scheduled for Friday, June 30, 2017, at 9:30 a.m.**  
at the Cleveland County Courthouse, 100 Justice Place, 3<sup>rd</sup> Floor, Courtroom  
5, Shelby, North Carolina.

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

**This document may contain nonpublic personal information about the consumer-debtor(s) subject to the restrictions of the Federal Gramm-Leach-Bliley Act. Such information, if any, is only included in this document for matters and things related to the bankruptcy case of these consumer-debtor(s). You may therefore only use this information in connection with proceedings in this bankruptcy case and for no other purpose. You may not directly or indirectly redisclose or reuse any of the consumer-debtor(s)' nonpublic personal information contained in this document for any other purpose.**

This the 30<sup>th</sup> day of May, 2017.

\_\_\_\_/s/\_\_\_\_\_  
Rod A. Vujovic  
Rod A. Vujovic, Attorney at Law, P.A.  
Attorney for the Debtor  
N.C. State Bar 25021  
118 Highway 321 SW  
Hickory, NC 28602  
(828) 345-1008  
FAX (888) 734-4972

**CERTIFICATE OF SERVICE**

ROD A. VUJOVIC, attorney for the debtor, hereby certifies to the Court as follows:

1. I am not a party for the foregoing proceeding;
2. I am not less than 18 years of age;
3. I have this day served a copy of the foregoing **MOTION TO MODIFY**

**CHAPTER 13 PLAN AND NOTICE OF OPPORTUNITY FOR HEARING** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

David C. King  
State Employees' Credit Union  
Attn: Bankruptcy Dept.  
PO Drawer 25279  
Raleigh, NC 27611

**And via the Court's Electronic Case Filing System to:**

Steven G. Tate  
Chapter 13 Trustee

Bankruptcy Administrator

4. I have also served copies of the **MOTION TO MODIFY CHAPTER 13 PLAN AND NOTICE OF OPPORTUNITY FOR HEARING** on all creditors listed on the master mailing matrix, a copy of which is attached hereto, in the same manner and method as described in paragraph number 3 above;

5. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

6. Service as outlined herein was made within the United States of America.

Dated this the 30<sup>th</sup> day of May, 2017.

\_\_\_\_\_/s/\_\_\_\_\_  
Rod A. Vujovic  
Rod A. Vujovic, Attorney at Law, P.A.  
Attorney for the Debtor  
N.C. State Bar 25021  
118 Highway 321 SW  
Hickory, NC 28602  
(828) 345-1008  
FAX (888) 734-4972

CREDITOR MATRIX ATTACHED HERETO AS EXHIBIT "A"

Label Matrix for local noticing

0419-4

Case 17-40021

Western District of North Carolina

Shelby

Tue May 30 15:29:56 EDT 2017

Burke County Tax Collector

PO Box 219

Morganton, NC 28680-0219

(p)BANK OF AMERICA

PO BOX 982238

EL PASO TX 79998-2238

Capital One

P.O. Box 85167

Richmond, VA 23285-5167

Bank of America, N.A.

P O Box 982284

El Paso, TX 79998-2284

Capital One

PO Box 30285

Salt Lake City, UT 84130-0285

Capital One Retail Services

PO Box 30257

Salt Lake City, UT 84130-0257

Cavalry SPV I, LLC

c/o Bass &amp; Associates, P.C.

3936 E. Ft. Lowell Rd., Suite #200

Tucson, AZ 85712-1083

Citibank Bankruptcy Dept.

Attn:President/CEO

PO Box 790034

Saint Louis, MO 63179-0034

Client Services Inc.

Re: Citi

3451 Harry S. Truman Boulevard

Saint Charles, MO 63301-4047

Discover Bank

Discover Products Inc

PO Box 3025

New Albany, OH 43054-3025

(p)DISCOVER FINANCIAL SERVICES LLC

PO BOX 3025

NEW ALBANY OH 43054-3025

Equifax

PO Box 740241

Atlanta, GA 30374-0241

Experian

PO Box 9701

Allen, TX 75013-9701

Internal Revenue Service

Centralized Insolvency Operations

PO Box 7346

Philadelphia, PA 19101-7346

Internal Revenue Service

P.O. Box 7317

Philadelphia, PA 19101-7317

LVNV Funding LLC

c/o Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

NC Dept of Revenue

Office Services Division

Bankruptcy Unit

P.O. Box 1168

Raleigh, NC 27602-1168

North Carolina Department of Revenue

Bankruptcy Unit

P.O. Box 1168

Raleigh, NC 27602-1168

SECU - Loss Mitigation

Bankruptcy Department

PO Drawer 25279

Raleigh, NC 27611-5279

State Employees Credit Union

Attn: Bankruptcy Dept

PO Drawer 25279

Raleigh, NC 27611-5279

Synchrony Bank

c/o PRA Receivables Management, LLC

PO Box 41021

Norfolk, VA 23541-1021

TransUnion

PO Box 2000

Chester, PA 19022-2000

United States Attorney

U.S. Courthouse

100 Otis Street, Room 233

Asheville, NC 28801-2688

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bank of America

Attn: President/CEO

PO Box 982238

El Paso, TX 79998

(d)Bank of America N.A.

4161 Piedmont Parkway

Greensboro, NC 27410

Discover Bank

P.O. Box 3008

New Albany, OH 43054-3008

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Discover Financial Services, LLC	End of Label Matrix	
PO Box 3025	Mailable recipients	23
New Albany, OH 43054-3025	Bypassed recipients	1
	Total	24